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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,)	Case Nos.	CR 06-0777 DLJ
)		CR 07-0779 CW
Plaintiff,)		
)	NOTICE OF RELATED CASE IN A	
v.)	CRIMINAL ACTION AND REQUEST TO	
)	CONSOLIDATE MATTERS FOR	
DAVID C. BAILEY,)	CHANGE OF PLEA	
)		
Defendant.)		

Pursuant to Criminal Local Rule 8-1(a), the United States requests that the matters involving defendant David C. Bailey, Case Nos. CR 06-0777 DLJ and CR 07-0779 CW, be consolidated before United States District Judge D. Lowell Jensen as the judge assigned to the lower criminal case number because it is anticipated that the defendant Bailey will enter a global resolution pursuant to a plea agreement. The most recent case number, filed on December 6, 2007, was transferred from the Southern District of California pursuant to a Rule 20 paper filed by the parties, allowing the defendant to enter his plea to the case originally pending in the Southern District before the United States District Court for the Northern District of California.

The parties have reached an agreement that will resolve both matters and the matter is

Case No. CR 06-0777 DLJ is currently set on United States District Judge Jensen's criminal calendar on January 11, 2008 for change of plea.

Set forth below is the relevant information for both case numbers:

	CR 06-0777 DLJ	CR 07-0779 CW
Plaintiff	United States of America	United States of America
Defendant(s)	David C. Bailey	David C. Bailey
Case Description	in CR 06-00336 SBA.	Conspiracy to commit bank fraud in violation of 18 U.S.C. § 1349.
Case Relationship	Indictment charging that on October 11, 2006, defendant possessed with intent to distribute methylenedioxymethamphetamine (MDMA, a/k/a "ecstasy"), in violation of 21 U.S.C. § 841(a)(1).	Indictment charging that between an unknown date and May 24, 2006, defendant conspired to distribute methylenedioxymethamphetamine (MDMA, a/k/a "ecstasy"), in violation of 21 U.S.C. § 846. Indictment also charged that on April 27, 2006, defendant possessed with intent to distribute ecstasy, in violation of 21 U.S.C. § 841(a)(1).

Because the cases involve substantially similar conduct that would group for purposes of sentencing, there would be an undue duplication of judicial resources if these actions are maintained separately. For these reasons and the facts set forth in the table above, the United States request that pursuant to Crim. L.R. 8-1, the Court find that the cases are related and consolidate the matters before United States District Judge D. Lowell Jensen.¹

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¹The parties have discussed the two matters for purposes of resolving the matter pursuant to a plea agreement that resolves the conduct in both CR 06-0777 DLJ and CR 07-0779 CW. Therefore, the United States anticipates that defendant's counsel will not have any objection to this request to consolidate the matters for change of plea. Defendant's counsel is out of the country and counsel for the United States was unable to confer with him prior to filing this request.

1 The United States would also request that the matter in Case No. CR 07-0779 CW be
2 placed on United States District Judge Jensen's January 11, 2008 criminal calendar for change of
3 plea. If this request is granted, the United States will request that defendant be arraigned on the
4 charges in Case No. CR 07-0779 CW before United States Magistrate Judge Brazil the morning
5 of January 11, 2008.

6 DATED: December 14, 2007,

7 Respectfully submitted,

8 SCOTT N. SCHOOLS
9 United States Attorney

10 /s/
11 H. H. (SHASHI) KEWALRAMANI
12 Assistant United States Attorney
13 Attorney for the United States
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